

**DR. AMBEDKAR: THE PRINCIPAL ARCHITECT OF THE CONSTITUTION
OF INDIA
PART I**

**From Dr. Ambedkar's entry into the Constituent Assembly to
the presentation of the Draft of the Indian Constitution to the
Constituent Assembly**

Continued...

Cultural and Educational Rights

Protection of interests of minorities.	<p>23.</p> <p>(1) Any section of the citizens residing in the interests of territory of India or any part thereof having a distinct language, script and culture of its own shall have the right to conserve the same.</p> <p>(2) No minority whether based on religion, community or language shall be discriminated against in regard to the admission of any person belonging to such minority into any educational institution maintained by the State,</p> <p>(3) (a) All minorities whether based on religion, community or language shall have the right to establish and administer educational institutions of their choice.</p> <p>(b) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion, community or language.</p>	<p>30</p> <p>5</p> <p>10</p>
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Right to Property

Compulsory acquisition of property	<p>24.</p> <p>(1) person shall be deprived of his property save by authority of law.</p> <p>(2) No property, movable or immovable, including any interest in, or in any company owning, any commercial or industrial undertaking, shall be taken possession of or acquired for public purposes under any law authorising the taking of such possession or such acquisition, unless the law provides for the payment of compensation for the property taken possession of or acquired and either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, the compensation is to be determined.</p> <p>(3) Nothing in clause (2) of this article shall affect—</p> <p>(a) the provisions of any existing law, or</p> <p>(b) the provisions of any law which the State may hereafter make for the purpose of imposing or levying any tax or for the promotion of public health or the prevention of danger to life or property.</p>	<p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>
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Rights to Constitutional Remedies.

Remedies for enforcement of rights conferred by this Part.	<p>25.</p> <p>(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.</p> <p>(2) The Supreme Court shall have power to issue directions or orders in the nature of the writs of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.</p> <p>(3) Parliament may by law empower any other court to exercise within the Total limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2) of this article.</p> <p>(4) The rights guaranteed by this article shall not be suspended except as otherwise provided for by this</p>	<p>40</p> <p>5</p> <p>10</p>
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	Constitution.	
Power to Parliament to modify the rights guaranteed in this Part in their application to Forces	<p>26. Parliament may by law determine to what extent any of the rights guaranteed in this Part shall in their application to the members of the Armed Forces or the Forces charged with the maintenance of public order be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them.</p>	15
Legislation to give effect to the provisions of this Part.	<p>27. Notwithstanding anything elsewhere contained in this Constitution, Parliament shall have, and the Legislature of a, State for the time being specified in Part I or Part III of the First Schedule shall not have, power to make laws—</p> <p>(a) with respect to any of the matters which under this Part are required to be provided for by legislation by Parliament, and</p> <p>(b) for prescribing punishment for those acts which are declared to be offences under this Part ;</p> <p>and Parliament shall, as soon as may be after the commencement of this Constitution, make laws to provide for such matters and for prescribing punishment for such acts:</p> <p>Provided that any law in force in the territory of India or in any part thereof with respect to any of the matters referred to in clause (a) of this article or providing for punishment for any act which is declared to be an offence under this Part shall continue in force therein until altered or repealed or amended by Parliament or other competent authority.</p>	20 25 30 35 40

PART IV

Directive Principles of State Policy

Definition.	<p>28. In this Part, unless the context otherwise requires, "the State" has the same meaning as in Part III of this Constitution.</p>	5
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Application of the principles set forth in this part.	29. The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.	10
State to secure a social order for the promotion and welfare of the people.	30. The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.	15
Certain principles of policy to be followed by the state.	31. The State shall, in particular, direct its policy towards securing— that the citizens, men and women equally, (ii) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; (iii) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; (iv) that there is equal pay for equal work for both men and women; (v) that the strength and health of workers, men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; (vi) that childhood and youth are protected against exploitation and against moral and material abandonment.	20 25 30 40 45
Right to work, to education and to public assistance in certain cases.	32. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness, disablement, and other cases of undeserved want.	5

Provisions for just and humane conditions of work and maternity relief	33. The State shall make provision for securing just and humane conditions of work and for maternity relief.	
Living wage, etc for workers	34. The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.	10 15
Uniform civil code for the citizens	35. The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.	
Provisions for free primary education.	36. Every citizen is entitled to free primary education and the State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.	20
Promotion of educational and economic interest of scheduled castes and scheduled tribes and other weaker sections.	37. The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the scheduled tribes, and shall protect them from social injustice and all forms of exploitation.	25 30
Duty of the state to raise the level of nutrition and standard of living and to improve public health	38. The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.	

Protection and preservation and maintenance of monuments and places and objects of national importance.	39. It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, declared by Parliament by law to be of national importance, from spoliation, destruction, removal, disposal or export, as the case may be, and to preserve and maintain according to law made by Parliament all such monuments or places or objects.	5
Promotion of international peace and security.	40. The State shall promote international peace and security by the prescription of open, just and honourable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments and by the maintenance of justice and respect for treaty obligations in the dealings of organised people with one another.	10 15

PART V
The Union
CHAPTER I—The Executive
THE PRESIDENT AND VICE-PRESIDENT

The president of India.	41. There shall be a President of India.	5
The executive power of the union	42. (1) The executive power of the Union shall be power — vested in the President and may be exercised by him in accordance with the Constitution and the law. (1) Without prejudice to the generality of the foregoing provision, the supreme command of the Defence Forces of India shall be vested in the President and the exercise thereof shall be regulated by law. (2) Nothing in this article shall— (a) be deemed to transfer to the President any functions conferred by any existing law on the Government of any State or other authority; or (b) prevent Parliament from conferring by law functions on authorities other than the President.	10 15 20
Election of the	43. The President shall be elected by the members of	

<p>president.</p>	<p>an electoral college consisting of - (a) the members of both Houses of Parliament, and (b) the elected members of the Legislatures of the States.</p>	<p>25</p>
<p>Manner of election of president.</p>	<p>44 (1) As far as practicable, there shall be uniformity in the scale of representation of the different States at the election of the President *(2) For the purpose of securing such uniformity the number of votes which each elected member of Parliament and of the Legislature of each State is entitled to cast at such election shall be determined in the following manner:— * The method of calculation set out in clause (2) of article 44 may be illustrated as follows:— <i>Illustrations to sub- clause (a) and (b) of clause (2): —</i> The population of Bombay is 20,849,840. Let us take the Total number of elected members in the Legislative Assembly of Bombay to be 208 (<i>i.e.</i>, one member representing one lakh of the population). To obtain the number of votes which each such elected member will be entitled to cast at the election of the President, we have first to divide 20,849,840 (which is the population) by 208 (which is the Total number of elected members), and then to divide the quotient by 1,000. In this case, the quotient is 100239. The number of votes which each such member will be entitled to cast would be 100,239/1000 <i>i.e.</i>, 100 (disregarding the remainder 239 which is less than five hundred). Again, the population of Bikaner is 1,292,938. Let us take the Total number of elected members of the Legislature of Bikaner to be 130 (<i>i.e.</i>, one member representing roughly ten thousand of the population). Now, applying the aforesaid process, if we divide 1,292,938 (<i>i.e.</i>, the population) by 130 (<i>i.e.</i>, the Total number of elected members), the quotient is 9945. Therefore, the number of votes which each member of the Bikaner Legislature would be entitled to cast is 9945/1000 that is 10 (counting the remainder 945 which is greater than five hundred as equivalent to 1000). <i>Illustration under sub- clause (c) of clause (2); —</i> If the Total number of votes assigned to the members of the Legislatures of the States in accordance with the above calculation be 74,940 and the Total number of elected members of both the Houses of Parliament be 750, then to obtain the number of votes which each member of either House of Parliament will be entitled to cast at the election of the President, we should have to divide 74,940 by 750. Thus the number of votes which each such member will be entitled to cast in the case would be 74,940/750 = 99 $\frac{23}{25}$, <i>i.e.</i>, 100 (the fraction $\frac{23}{25}$ which exceeds one-half being counted as one). (a) every elected member of the Legislature of 'a State shall have as many votes as there are multiples of</p>	<p>30 5 10 5 15 20</p>

	<p>one thousand in the quotient obtained by dividing the population of the State by the Total number of elected members of the Legislature;</p> <p>(b) if, after taking the said multiples of one thousand, the remainder is not less than five hundred, then the vote of each member referred to in sub-clause (a) of this clause shall be further increased by one;</p> <p>(c) each elected member of either House of Parliament" shall have such number of votes as may be obtained by dividing the Total number of votes assigned to the members of the Legislatures of the States under sub-clauses (a) and (b) of this clause by the Total number of such members, fractions exceeding one-half being counted as one and other fractions being disregarded.</p> <p>(3) The election of the President shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.</p> <p>Explanation.—In this article, the expression "the Legislature of a State" means, where the Legislature is bicameral, the Lower House of the Legislature, and the expression "population" means the population as ascertained at the last preceding census.</p>	
Term of office of president.	<p>5. The President shall hold office for a term of five years from the date on which he enters upon his office:</p> <p>Provided that—</p> <p>(a) the President may, by resignation under his hand addressed to the Chairman of the Council of States and the Speaker of the House of the People, Resign his office;</p> <p>(b) the President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in article 50 of this Constitution;</p> <p>(c) the President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.</p>	25

Eligibility for re-election.	46. A person who holds, or who has held, office as President shall be eligible for re-election to that office once, but only once.	40
Qualifications for election as president	<p>47. (1) No person shall be eligible for election as for election as President unless he -----</p> <p>(a) is a citizen of India,</p> <p>(b) has completed the age of thirty-five years, and</p> <p>(c) is qualified for election as a member of the House of the People.</p> <p>(2) A person shall not be eligible for election as President if he holds any office or position of emolument under the Government of India or the Government of any State or under any Total or other authority subject to the control of any of the said Governments.</p> <p>Explanation.—For the purposes of this clause a person shall not be deemed to hold any office or position of emolument by reason only that—</p> <p>(a) he is a minister either for India or for any State for the time being specified in Part 1 of the First Schedule; or</p> <p>(b) he is a minister for any State for the time being specified in Part III of the First Schedule, if he is responsible to the Legislature of the State, or, where there are two Houses of the Legislature of the State, to the Tower House of the Legislature, and if not less than three-fourths of the members of the Legislature or House, as the case may be, are elected.</p>	5 10 15 20 25
Conditions of president's office.	<p>48.</p> <p>1) The President shall not be a member president's either of Parliament or of the Legislature of any State, and if a member of Parliament or of the Legislature of any State be elected President, he shall be deemed to have vacated his seat in Parliament or such Legislature, as the case may be, on the date on which he enters upon his office as President.</p>	30

	<p>(2) The President shall not hold any other office or position of emolument.</p> <p>(3) The President shall have an official residence and there shall be paid to the President such emoluments and allowances as may be determined by Parliament by law and, until provision in that behalf is so made, such emoluments and allowances as are specified in the Second Schedule.</p> <p>(4) The emoluments and allowances of the President shall not be diminished during his term of office.</p>	35 40
Affirmation or oath by the president or person acting as or discharging the functions of the president before entering office.	<p>49. Every President and every person acting as President or discharging the functions of the President shall before entering upon his office make and subscribe in the presence of the Chief Justice of India an affirmation or oath in the following form, that is to say—</p> <p>"I, A. B., do solemnly affirm (or swear) that I will faithfully execute the office of President (or discharge the functions of the President) of India and will to the best of my ability reserve, protect and defend the Constitution and the law and that I will devote myself to the service and well-being of the people of India.</p>	5 10
Procedure for impeachment of the president.	<p>50.</p> <p>(1) When a President is to be impeached for violation of the Constitution, the charge shall be preferred by either House of Parliament,</p> <p>(2) No such charge shall be preferred unless—</p> <p>(a) the proposal to prefer such charge is contained in a resolution which has been moved after a notice in writing signed by not less than thirty members of the House has been given of their intention to move the resolution, and</p> <p>(b) such resolution has been supported by not less than two-thirds of the Total membership of the House.</p> <p>(3) When a charge has been so preferred by either House of Parliament, the other House shall investigate the charge or cause the charge to be Investigated and the President shall have the right</p>	15 20 25 30

	<p>to appear and to be represented at such investigation.</p> <p>(4) If as a result of the investigation a resolution is passed, supported by not less than two-thirds of the Total membership of the House by which the charge was investigated or caused to be investigated, declaring that the charge preferred against the President has been sustained, such resolution shall have the effect of removing the President from his office as from the date on which the resolution is so passed.</p>	35 40
Time of holding elections to fill vacancies in the office of President & the term of office of persons selected to fill casual vacancies.	<p>51.</p> <p>(1) An election to fill a vacancy caused by the expiration of the term of office of President shall be completed before the expiration of the term.</p> <p>(2) An election to fill a vacancy in the office of President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after, and in no case later than six months from, the date of occurrence of the vacancy; and the person elected to fill the vacancy shall be entitled to hold office for the full term of five years as provided in article 45 of this Constitution.</p>	5 10
The Vice President of India.	52. There shall be a Vice-President of India.	
The Vice President to be ex-officio Chairman of the Council of States.	<p>53. The Vice-President shall be ex-officio Chairman of the Council of States and shall not hold any other office or position of emolument:</p> <p>Provided that during any period when the Vice – President acts as President or discharges the functions of the President under article 54 of this Constitution, he shall not perform the duties of the office of Chairman of the Council of States.</p>	15 20
The Vice President to act as President or to discharge his functions during	<p>54.</p> <p>(1) In the event of the occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President shall act as President until the date on which a new</p>	

casual vacancies in the office, or the absence, of the President.	President elected in accordance with the provisions of this Chapter to fill such vacancy enters upon his office. (2) When the President is unable to discharge his functions owing to absence, illness or any other cause, the Vice-President shall discharge his functions until the date on which the President resumes his duties. (3) The Vice-President shall, during, and in respect of, the period while he is so acting as, or discharging the functions of the, President, have all the powers and immunities of the President.	25 30 35
Election of Vice President	<p>55.</p> <p>(1) The Vice-President shall be elected by the members of both Houses of Parliament assembled at a joint meeting in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.</p> <p>(2) The Vice-President shall not be a member either of Parliament or of the Legislature of any State, and if a member of Parliament or of the Legislature of any State be elected Vice-President, he shall be deemed to have vacated his seat in Parliament or such Legislature, as the case may be, on the date on which he enters upon his office as Vice-President.</p> <p>(3) No person shall be eligible for election as Vice-President unless he—</p> <p>(a) is a citizen of India;</p> <p>(b) has completed the age of thirty-five years; and</p> <p>(c) is qualified for election as a member of the Council of States.</p> <p>(4) A person shall not be eligible for election as Vice-President if he holds any office or position of emolument under the Government of India the Government of any State or under any Total or other authority subject to the control of any of the said Governments.</p> <p>Explanation:—</p> <p>For the purposes of this clause, a person shall not be deemed to hold any office or position of emolument by reason only that—</p> <p>(a) he is a minister either for India or for any State for the time being specified in Part I of the First Schedule;</p>	5 10 15 20 25

	<p>or</p> <p>(b) he is a minister for any State for the time being specified in part III of the First Schedule, if he is responsible to the Legislature of the State, or, where there are two Houses of the Legislature of the State, to the Lower House of such Legislature, and if not less than three-fourths of the members of such Legislature or House, as the case may be, are elected.</p> <p>(5) An election to fill a vacancy caused by the expiration of the term of office of Vice-President shall be completed before the expiration of the term.</p> <p>(6) An election to fill a vacancy in the office of Vice-President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after the occurrence of the vacancy, and the person elected to fill such vacancy shall be entitled to hold office for the full term of five years as provided in article 56 of this Constitution.</p>	30 35 40 5
Term of office of Vice - President.	<p>56. The Vice-President shall hold office for a term of five years from the date on which he enters upon his office:</p> <p>Provided that—</p> <p>(a) a Vice-President may, by writing under his hand addressed to the President, resign his office;</p> <p>(b) a Vice-President may be removed from his office for incapacity or want of confidence by a resolution of the Council of States passed by a majority of all the then members of the Council and agreed to by the House of the People; but no resolution for the purpose of this clause shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution;</p> <p>(c) a Vice-President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.</p>	10 15 20 25
Power of Parliament to provide for the discharge of the	<p>57. Parliament may make such provision as it thinks fit for the discharge of the functions of the President in any contingency not provided for in this Chapter.</p>	30

functions of the President in any other contingency.		
Matters relating to or connected with the election of a President or Vice President.	<p>58.</p> <p>(1) All doubts and disputes arising out of or in connection with the election of a President or the election of Vice-President shall be inquired into and decided by a President the Supreme Court whose decision shall be final.</p> <p>(2) Subject to the provisions of this Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President.</p>	35
Matters relating to or connected with the election of a President or Vice President .	<p>59.</p> <p>(1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence—</p> <p>(a) in all cases where the punishment or sentence is by a Court Martial;</p> <p>(b) in all cases where the punishment or sentence is for an offence under any law relating to a matter with respect to which Parliament has, and the Legislature of the State in which the offence is committed has not, power to make laws;</p> <p>(c) in all cases where the sentence is a sentence of death.</p> <p>(2) Nothing in sub-clause (a) of clause (1) of this article shall affect the power conferred by law on any officer of the Armed Forces of India to suspend, remit or commute a sentence passed by a Court Martial.</p> <p>(3) Nothing in sub-clause (c) of clause (1) of this article shall affect the power to suspend, remit or commute a sentence of death exercisable by the Governor or the Ruler of the State under any law for the time being in force.</p>	5 10 15 20 25
Extent of executive	<p>60.</p> <p>(1) Subject to the provisions of this Constitution, the</p>	

power of the Union.	<p>executive power of the "Union shall extend—</p> <p>(a) to the matters with respect to which Parliament has power to make laws; and</p> <p>(b) to the exercise of such rights, authority and jurisdiction as are exercisable by the Government of India by virtue of any treaty or agreement[⊗]The Committee has inserted this proviso on the view that the executive power in respect of Concurrent List subjects should vest primarily in the State concerned except as otherwise provided in the Constitution or in any law made by Parliament)</p> <p>Provided that the executive power referred to in sub-clause (a) of this clause shall not, save as expressly provided in this Constitution or in any law made by Parliament, extend in any State to matters with respect to which the Legislature of the State has also power to make laws.</p> <p>(2) Until otherwise provided by Parliament, a State and any officer or authority of a State may, notwithstanding anything contained in this article, continue to exercise in matters with respect to which Parliament has power to make laws for that State such executive power or functions as the State or officer or authority thereof could exercise immediately before the commencement of this Constitution.</p>	<p>30</p> <p>35</p> <p>5</p> <p>10</p>
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Council of Ministers

Council of ministers to aid & advice President .	<p>61.</p> <p>(1) There shall be a Council of ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions.</p> <p>(2) The question whether any, and if so what, advice was tendered by ministers to the President shall not be inquired into in any court.</p>	20
Other provisions as to ministers.	<p>62.</p> <p>(1) The Prime Minister shall be appointed by the President and the other ministers shall be appointed by the President on the advice of the Prime Minister.</p>	25

	<p>(2) The ministers shall hold office during the pleasure of the President.</p> <p>(3) The Council shall be collectively responsible to the House of the People.</p> <p>(4) Before a minister enters upon his office, the President shall administer to him the oaths of office and of secrecy³⁰ according to the forms set out for the purpose in the Third Schedule.</p> <p>(5) A minister who, for any period of six consecutive months, is not a member of either House of Parliament shall at the expiration of that period cease to be a minister.</p> <p>(6) The salaries and allowances of ministers shall be such as Parliament may from time to time by law determine and, until Parliament so determine, shall be as specified in the⁵ Second Schedule.</p>	
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The Attorney-General for India

Attorney-General for India.	<p>63.</p> <p>(1) The President, shall appoint a person, who is qualified to be appointed a judge of the Supreme Court, to be¹⁰ Attorney-General for India.</p> <p>(2) It shall be the duty of the Attorney-General to give advice to the Government of India upon such legal matters and to perform such other duties of a legal¹⁵ character, as may from time to time be referred or assigned to him by the President, and to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force.</p> <p>(3) In the performance of his duties the Attorney-General²⁰ shall have right of audience in all courts in the territory of India.</p> <p>(4) The Attorney-General shall hold office during the pleasure of the President, and shall receive such remuneration as the President may determine.</p>	25
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Conduct of Government Business

Conduct of		
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business of the Government of India.	<p>64.</p> <p>(1) All executive action of the Government of India shall be expressed to be taken in the name of the President.</p> <p>(2) Orders and other instruments made and executed in the name of the President shall be authenticated in such manner as may be specified in rules to be made by the President, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the President,</p>	30
Duties of Prime Minister as respects the furnishing of information to the President, etc.	<p>65. It shall be the duty of the Prime Minister—</p> <p>(a) to communicate to the President all decisions of the Council of ministers relating to the administration of the affairs of the Union and proposals for legislation;</p> <p>(b) to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and</p> <p>(c) if the President so requires, to submit for the consideration of the Council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the Council.</p>	<p>10</p> <p>15</p>

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